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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/830,224	04/23/2004	Richard M. Banks	003797.01271	7750

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EXAMINER
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WATT, CHRIS A

ART UNIT	PAPER NUMBER
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2174

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/830,224	Applicant(s) BANKS ET AL.	
	Examiner Chris Watt	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/20/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ermel et al. ("Ermel" US Patent No. 5,835,094) in view of Edelman ("Edelman" US Patent No. 5,680,563) and Mander et al. ("Mander" US Patent No. 6,243,724).

Regarding independent claim 1, Ermel teaches a method for representing files stored in stacks, the method comprising: receiving an identification of a plurality of files to be represented by a stack icon (i.e. items 20, 20a and 20b in Figs. 1-6 et seq. of Ermel). Ermel does not teach identification of files and libraries or determining and generating stack icons based on files stack size.

Edelman teaches identification of files and libraries (i.e. col. 5 line 36 et seq. of Edelman "individual identity on the display", "only those items that meet the filter requirements" see also FIGURE 2 et seq. of Edelman). It would have been obvious to an artisan at the time of the invention to combine the identification of files and libraries of Edelman with the stack icons of Ermel to "appl[y] the filter to the items in the displayed window" (col. 5 line 32 et seq. of Edelman). Neither Ermel nor Edelman teaches determining and generating stack icons based on files stack size.

Mander teaches determining and generating stack icons based on files stack size (i.e. "create and display pile" step of FIG. 19 et seq. of Mander; see also steps 955 and 963 in FIG. 20 et seq. of Mander). It would have been obvious to an artisan at the time of the invention to combine the stack icons based on size of Mander with the stack icons of Ermel and the identification of files and libraries of Edelman to generate a "sorted list" which "corresponds to a sorted list of documents" (col. 34 line 13 et seq. of Mander)

Regarding dependent claim 2, see the analysis of claim 1 above. Ermel, in combination with Edelman and Mander teaches the method of claim 1, further comprising providing a plurality of predefined stack icons, each of said stack icons corresponding to at least one stack size (i.e. step 719 in FIG. 15 et seq. of Mander) wherein said step of generating includes a step of selecting one of said predefined stack icons (i.e. steps 755-760 in FIG. 16 of Mander; see also FIG. 17 et seq. of Mander).

Regarding dependent claim 3, see the analysis of claim 2 above. Ermel, in combination with Edelman and Mander teaches the method of claim 2, further comprising providing a unique empty stack icon that displays an image distinct from other icons in the plurality of predefined stack icons (col. 9 line 40 et seq. of Mander : "the filing system may provide the user with an empty base for placing documents thereon to create a new pile"; see also empty slot created in Figs. 5-6 et seq. of Ermel ).

Regarding dependent claim 4, see the analysis of claim 2 above. Ermel, in combination with Edelman and Mander teaches the method of claim 2, further comprising the steps of assigning a first size range to one of said icons and selecting

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the icon if the stack size is included in said first size range (i.e. col. 7 line 35 et seq. of Mander : "The dynamic graphical representation of a pile increases in height when a document is added to the pile and decreases in height when a document is removed from the pile" ).

Regarding dependent claim 5, see the analysis of claim 4 above. Ermel, in combination with Edelman and Mander teaches the method of claim 4, further comprising the steps of identifying one of said icons as a maximum size icon, and assigning a size minimum to said maximum size icon, and selecting said maximum size icon if said stack size exceeds said size minimum (i.e. number of subpiles from piles determined in FIG. 18b et seq. of Mander).

Regarding dependent claim 6, see the analysis of claim 5 above. Ermel, in combination with Edelman and Mander teaches the method of claim 5, wherein one of said stack icons displays a stack having two items (i.e. col. 7 line 35 et seq. of Mander : "The dynamic graphical representation of a pile increases in height when a document is added to the pile and decreases in height when a document is removed from the pile"; see also FIG. 3 et seq. of Mander ).

Regarding dependent claim 7, see the analysis of claim 5 above. Ermel, in combination with Edelman and Mander teaches the method of claim 5, further comprising providing a unique empty stack icon that displays an image distinct from other icons in the plurality of predefined stack icons, and selecting the empty stack icon if the stack is empty (col. 9 line 40 et seq. of Mander : "the filing system may provide the

user with an empty base for placing documents thereon to create a new pile"; see also empty slot created in Figs. 5-6 et seq. of Ermel ).

Regarding dependent claim 8, see the analysis of claim 1 above. Ermel, in combination with Edelman and Mander teaches the method of claim 1, wherein the step of generating further comprises the step of generating different stack icons to represent files in different distinct libraries, wherein each of said stack icons displays information corresponding to a distinct library (i.e. FIG. 13b, 22d et seq. of Mander).

Regarding dependent claim 9, see the analysis of claim 1 above. Ermel, in combination with Edelman and Mander teaches the method of claim 1 wherein said generated stack icon visually identifies a file type of the plurality of files (i.e. FIG. 13b, 22d et seq. of Mander).

Regarding dependent claim 10, see the analysis of claim 9 above. Ermel, in combination with Edelman and Mander teaches the method of claim 9, wherein the visual identification of file type is an overlay on the icon (i.e. FIGS. 4e, 12a and 12b et seq. of Mander; see also "Doc2" overlay in Figs. 5 and 6 of Ermel).

Regarding dependent claim 11, see the analysis of claim 1 above. Ermel, in combination with Edelman and Mander teaches the method of claim 1, wherein said generated stack icon includes a thumbnail image displaying contents of one of the plurality of files (i.e. FIG. 22e et seq. of Mander).

Regarding dependent claim 12, see the analysis of claim 1 above. Ermel, in combination with Edelman and Mander teaches a computer readable medium storing

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the computer executable instructions for performing the method of claim 1 (i.e. claim 17 et seq. of Edelman : "computer usable medium").

Regarding independent claim 13 Ermel teaches a method for representing a plurality of files, the method comprising: said files in said library being of a common type, said type being one of word processing, image, address list contacts, and audio (i.e. FIG. 4e et seq. of Mander ): and generating a stack icon (i.e. items 20, 20a and 20b in Figs. 1-6 et seq. of Ermel). Ermel does not teach identification of files and libraries or determining and generating stack icons based on files stack size.

Edelman teaches identification of files and libraries (i.e. col. 5 line 36 et seq. of Edelman "individual identity on the display", "only those items that meet the filter requirements" see also FIGURE 2 et seq. of Edelman). It would have been obvious to an artisan at the time of the invention to combine the identification of files and libraries of Edelman with the stack icons of Ermel to "appl[y] the filter to the items in the displayed window" (col. 5 line 32 et seq. of Edelman). Neither Ermel nor Edelman teaches determining and generating stack icons based on files stack size.

Mander teaches determining and generating stack icons based on files stack size (i.e. "create and display pile" step of FIG. 19 et seq. of Mander; see also steps 955 and 963 in FIG. 20 et seq. of Mander). It would have been obvious to an artisan at the time of the invention to combine the stack icons based on size of Mander with the stack icons of Ermel and the identification of files and libraries of Edelman to generate a "sorted list" which "corresponds to a sorted list of documents" (col. 34 line 13 et seq. of Mander)

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Regarding dependent claim 14, see the analysis of claim 13 above. Ermel, in combination with Edelman and Mander teaches the method of claim 13; wherein said information associated with said library identifies said common type of said library (i.e. FIG. 13b, 22d et seq. of Mander).

Regarding dependent claim 15, see the analysis of claim 13 above. Ermel, in combination with Edelman and Mander teaches the method of claim 13, further comprising generating a unique empty stack icon representing a stack having no files (col. 9 line 40 et seq. of Mander : "the filing system may provide the user with an empty base for placing documents thereon to create a new pile"; see also empty slot created in Figs. 5-6 et seq. of Ermel ).

Regarding dependent claim 16, see the analysis of claim 13 above. Ermel, in combination with Edelman and Mander teaches the method of claim 13, wherein said step of generating further comprises the step of selecting a predefined stack icon from a plurality of predefined stack icons associated with said library (i.e. step 719 in FIG. 15 et seq. of Mander), where each of said predefined stack icons represents a different size of stack items (i.e. steps 755-760 in FIG. 16 of Mander; see also FIG. 17 et seq. of Mander).

Regarding dependent claim 17, see the analysis of claim 16 above. Ermel, in combination with Edelman and Mander teaches the method of claim 16, further comprising the steps of assigning a first size range to a first one of said predefined stack icons, identifying a second one of said predefined stack icons as an empty stack icon, assigning a minimum size to a third one of said predefined stack icons, said third

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one of said predefined stack icons being a maximum size icon, wherein said step of selecting comprises the step of comparing a size of said plurality of files with said first range or said minimum size (i.e. col. 7 line 35 et seq. of Mander : "The dynamic graphical representation of a pile increases in height when a document is added to the pile and decreases in height when a document is removed from the pile" ).

Regarding dependent claim 18, see the analysis of claim 13 above. Ermel, in combination with Edelman and Mander teaches the method of claim 13, wherein said stack height depicts two items when said plurality of files contains two files (i.e. col. 7 line 35 et seq. of Mander : "The dynamic graphical representation of a pile increases in height when a document is added to the pile and decreases in height when a document is removed from the pile" ).

Regarding dependent claim 19, see the analysis of claim 15 above. Ermel, in combination with Edelman and Mander teaches the method of claim 15, further comprising selecting the empty stack icon in response to a user request to display a stack having no files (col. 9 line 40 et seq. of Mander : "the filing system may provide the user with an empty base for placing documents thereon to create a new pile"; see also empty slot created in Figs. 5-6 et seq. of Ermel ).

Regarding dependent claim 20, see the analysis of claim 13 above. Ermel, in combination with Edelman and Mander teaches the method of claim 13, further comprising the step of adding an overlay to said icon, said overlay identifying a file type (i.e. FIGS. 4e, 12a and 12b et seq. of Mander; see also "Doc2" overlay in Figs. 5 and 6 of Ermel).

Regarding dependent claim 21, see the analysis of claim 13 above. Ermel, in combination with Edelman and Mander teaches the method of claim 13, wherein said step of generating further includes the step of including a thumbnail in said stack icon said thumbnail depicting contents of one of said plurality of files (i.e. FIG. 22e et seq. of Mander).

Regarding dependent claim 22, see the analysis of claim 13 above. Ermel, in combination with Edelman and Mander teaches a computer readable medium storing the computer executable instructions for performing the method of claim 13 (i.e. claim 17 et seq. of Edelman : "computer usable medium").

Regarding independent claim 23, Ermel teaches a system for representing a selected stack of files, the system comprising: one or more computer-readable media storing sets of default stack icons, wherein each stored set of default stack icons includes multiple icons, one or more computer-readable media storing computer-executable instructions for generating one or more icon selection tools having a corresponding stored set of default icons, the icon selection tools select and display corresponding icon from said corresponding set of default icons (i.e. items 20, 20a and 20b in Figs. 1-6 et seq. of Ermel). Ermel does not teach identification of files and libraries or determining and generating stack icons based on files stack size.

Edelman teaches identification of files and libraries (i.e. col. 5 line 36 et seq. of Edelman "individual identity on the display", "only those items that meet the filter requirements" see also FIGURE 2 et seq. of Edelman). It would have been obvious to an artisan at the time of the invention to combine the identification of files and libraries

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of Edelman with the stack icons of Ermel to "appl[y] the filter to the items in the displayed window" (col. 5 line 32 et seq. of Edelman). Neither Ermel nor Edelman teaches determining and generating stack icons based on files stack size.

Mander teaches determining and generating stack icons based on files stack size (i.e. "create and display pile" step of FIG. 19 et seq. of Mander; see also steps 955 and 963 in FIG. 20 et seq. of Mander). It would have been obvious to an artisan at the time of the invention to combine the stack icons based on size of Mander with the stack icons of Ermel and the identification of files and libraries of Edelman to generate a "sorted list" which "corresponds to a sorted list of documents" (col. 34 line 13 et seq. of Mander)

Regarding dependent claim 24, see the analysis of claim 23 above. Ermel, in combination with Edelman and Mander teaches the system of claim 23, wherein each stored set of default icons comprises a plurality of stack icons, each icon corresponding to a different range of stack sizes (i.e. col. 7 line 35 et seq. of Mander : "The dynamic graphical representation of a pile increases in height when a document is added to the pile and decreases in height when a document is removed from the pile" ).

Regarding dependent claim 25, see the analysis of claim 24 above. Ermel, in combination with Edelman and Mander teaches the system of claim 24, said plurality of stack icons further comprising a unique empty stack icon that displays a distinct image (col. 9 line 40 et seq. of Mander : "the filing system may provide the user with an empty base for placing documents thereon to create a new pile"; see also empty slot created in Figs. 5-6 et seq. of Ermel ).

Regarding dependent claim 26, see the analysis of claim 23 above. Ermel, in combination with Edelman and Mander teaches the system of claim 23, said first one or more computer-readable media further storing a set of property based icons for at least one library, wherein the property based icons include an overlay indicating a file type (i.e. FIGS. 4e, 12a and 12b et seq. of Mander; see also "Doc2" overlay in Figs. 5 and 6 of Ermel).

Regarding dependent claim 27, see the analysis of claim 23 above. Ermel, in combination with Edelman and Mander teaches the system of claim 23, said computer-executable instructions further comprising instructions for generating a set of custom thumbnail icons for at least one selected library, wherein the custom thumbnail icons include at least one image from a stack within the at least one selected library (i.e. FIG. 22e et seq. of Mander).

Regarding dependent claim 28, see the analysis of claim 23 above. Ermel, in combination with Edelman and Mander teaches the system of claim 23, said computer-executable instructions further comprising instructions for counting the number of files in a selected stack and displaying the number adjacent to or on the icon (i.e. FIG. 8 of Edelman).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Watt whose telephone number is (571) 270-1046. The examiner can normally be reached on Monday-Thursday 6:30-4:00 Eastern.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 276-5619. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris A. Watt/

March 15, 2007

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